

REMARKS / ARGUMENTS

I. General Remarks and Disposition of the Claims

Please consider the application in view of the following remarks. Applicant thanks the Examiner for the careful consideration of this application including the references that Applicant has submitted in this case.

At the time of the Office Action, claims 1-8 and 10-63 were pending in this application. Of these, claims 18-59 were indicated as withdrawn. Claims 1-8, 10-17 and 60-63 were rejected in the Office Action. By this paper, claims 1, 10, 12, 60, and 62 have been amended, and claims 3, and 18-59 have been Cancelled. These amendments are supported by the specification as filed. All the amendments are made in a good faith effort to advance the prosecution on the merits of this case. It should not be assumed that the amendments made herein were made for reasons related to patentability. Applicant respectfully requests that the above amendments be entered and further requests reconsideration in light of the amendments and remarks contained herein.

II. Remarks Regarding Objections to the Claims

Claim 3 stands objected to. Applicant has Cancelled claim 3 and respectfully requests the withdrawal of this objection.

III. Remarks Regarding Rejections Under 35 U.S.C. § 112

Claims 1-8, 10-17 and 60-63 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has rejected the phrase "less than about" in claims 1, 10, and 12. Applicant has removed the phrase "less than about" in claims 1 and 10, and removed the term "about" in claim 12. Applicant believes that this amendment resolves the Examiner's concerns regarding claims 1 and 10, and their respective independent claims.

The Examiner has rejected claims 60 and 62 as the term "treatment chemical" is unclear. Applicant notes that the phrase "treatment chemical" finds support and is clarified in at least paragraph [0032] of the application as filed. Specific guidance is given on what a treatment chemical is and what the treatment chemical is being used to treat. While Applicant does not necessarily agree with the Examiner, claims 60 and 62

have been amended to recite that the treatment chemical is “for treating a subterranean formation.” Applicant believes that this amendment resolves the Examiner’s concerns regarding claims 60 and 62.

For at least these reasons, Applicant respectfully requests the withdrawal of the rejections of claims 1, 2, 4-8, 10-17 and 60-63 under 35 U.S.C. § 112.

SUMMARY

In light of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. Applicant further submits that the application is now in condition for allowance, and earnestly solicits timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicant believes that no fees are due in association with the filing of this response. Should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this as a Petition Therefore, and direct that any additional fees be charged to McDermott Will & Emery's Deposit Account No. 500417, Order Number 086108-0226.

Respectfully submitted,

/Iona N. Kaiser/
Iona N. Kaiser
Reg. No. 53,086
McDermott Will & Emery
1000 Louisiana, Suite 3900
Houston, TX 77002-5005
Telephone: 713.653.1724
Facsimile: 713.739.7592
Email: ikaiser@mwe.com

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